



MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Caveglia, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bogue, Halliday, Sacks, Thnay, Williams, Zermeno
CHAIRPERSON Caveglia
Absent: COMMISSIONER None

Staff Members Present: Camire, Ehrenthal, Fitzgerald, Garcia, Looney, Patenaude, Shiner

General Public Present: Approximately 50

PUBLIC COMMENT

There were no public comments.

AGENDA

1. **Text Change Application 01-140-02 – Initiated by the Planning Director** – Request for an Amendment to the Off-Street Parking Regulations as they Apply to Residential Parking Requirements in the Central City Sub-Districts
2. **Planning Director Referral of Tentative Parcel Map 7546 – Arlene Marcello (Owner/Subdivider):** Request to Subdivide an 11,650± Square-Foot Parcel into Two Lots on Duval Lane Located within a RS (Single Family Residential – 5,000 square-foot lot size) Zoning District
3. **Use Permit No. 01-160-06 – Donald Boehm (Applicant/Owner):** Request to Amend the Conditions of Approval of Use Permit Application No. 00-160-06 to Allow Truck Access from Smalley Avenue – The Property is Located at 730 and 750 A Street, North Side, In a CC-C (Central City-Commercial) Subdistrict
4. **Draft Environmental Assessment/Environmental Impact Report (Draft EA/EIR) for the Airport Master Plan**
5. **Cannery Area Design Plan and Related Amendments to the General Plan and Zoning Ordinance**

PUBLIC HEARINGS

1. Text Change Application 01-140-02 – Initiated by the Planning Director – Request for an Amendment to the Off-Street Parking Regulations as they Apply to Residential Parking Requirements in the Central City Sub-Districts

Acting Principal Planner Patenaude gave the report for the Planning Director recommending the addition of a clause to the Central Parking District Non-Residential Parking Requirements regarding the conversion of existing buildings to residential use. Residential housing is encouraged in the downtown area by not requiring additional parking spaces upon conversion. Because of the potential for larger buildings converting to residential use, it was determined that further parking restrictions might be necessary for the additional floors. He noted that staff feels the amendment is necessary to encourage conversion of units in the Central City District but not over-burden the downtown area.

Commissioner Williams asked how soon a prospective developer will know of the change. He said he could foresee the ordinance being hidden rather than focused on. He commented that the City is often criticized by applicants who say they did not know of the rules. He noted that anything with automobiles should be considered sensitive.

Staff replied that proper notice had been published and owners of larger properties were directly notified. He also noted that applicants will be notified through pre-application reviews.

The public hearing opened at 7:46 p.m.

Walter Wang, San Francisco, owner of the City Center building, thanked everyone for their cooperation in allowing the time to study the issue. He explained that they did have concerns overall so he appreciated the flexibility in the proposal. He noted that they are committed to make something happen for this property. He also noted the cooperation with the City, Zaballos and Jack Smith. He commented that they are still uncomfortable with the change. However, because of the explanations and the City's effort to work with them, they will not object.

Commissioner Halliday asked about any intention for residential conversion.

Mr. Wang explained that they are looking at various possibilities for use of the building.

Ron Barklow, discussed the limited parking at City Hall now. He said the parking garage is quite often filled. He noted that someone should consider all of the new housing in the area and their use of parking.

The public hearing opened at 7:51 p.m.

Commissioner Bogue said this makes sense. There should be more dedicated spaces. However, the number of units could have an impact as well. He expressed concern with increased uses of other properties and with more activity in the area. He **moved**, seconded by Commissioner Zermeno, to recommend this item to the City Council but asked staff to look at the impacts of more conversions in the area of parking. He suggested that when the parking ratio drops below a

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certain number, the developer may have to show where the new parking is going to be.

Commissioner Thnay said he agreed that the new rules look reasonable and fair. He asked whether the City would be flexible for new proposals with the developers. He was told they could be very flexible in satisfying the parking requirement, since there are a number of ways it can be fulfilled, following a study of existing parking. Regarding a question of whether an amendment should be based on the number of units rather than the number of floors, staff noted that the intent of this amendment was not to affect the intention of the original ordinance.

Chairperson Caveglia commented that this all implies that the City is moving in a new direction downtown. The emphasis should be on people and not cars.

Commissioner Halliday said she agreed and would support the motion. She suggested that there is adequate parking downtown for the units available. She commented that having to look for parking is a sign of a thriving district.

Commissioner Williams said he would support the motion particularly emphasizing the flexibility.

Commissioner Sacks said she would support the motion. However, she noted two things. It gives flexibility to developers with clear explanations of how to satisfy the parking regulations. And secondly, the City is going to have to start thinking of neighborhoods as well since there is a trend toward more development and changes to enlarging homes with increasing numbers of people with no increase in the parking space.

The motion passed unanimously.

- 2. Planning Director Referral of Tentative Parcel Map 7546 – Arlene Marcello (Owner/Subdivider):** Request to Subdivide an 11,650± Square-Foot Parcel into Two Lots on Duval Lane Located within a RS (Single Family Residential – 5,000 square-foot lot size) Zoning District

Development Review Services Engineer Garcia made the report. He described the two lots, noting that the owner had merged the parcels in 1997. The owner is now asking to re-subdivide them. He commented that each lot contains a group home. Surrounding residents had commented on the group homes. However, they may not be treated differently from other homes and they are independent of the issues surrounding the subdivision. Staff recommended finding the project exempt from CEQA (the California Environmental Quality Act) and approve the subdivision subject to the attached findings.

The public hearing opened at 8:04 p.m.

Arlene Marcello, property owner, said she was advised that if she wanted to sell or refinance, she

would need to unmerge the lots. They were originally merged to make just one address.

Stan Roman, from the California State Licensing Board, noted that neither the merger nor the split of the lots would change the number of people licensed for each house.

The public hearing closed at 8:06 p.m.

Commissioner Halliday **moved**, seconded by Commissioner Sacks, to approve the staff recommendation.

Commissioner Bogue said he would support the motion. He noted that he was glad to hear there would be no change in the number of residents in each house.

The motion passed unanimously.

3. **Use Permit No. 01-160-06 – Donald Boehm (Applicant/Owner):** Request to Amend the Conditions of Approval of Use Permit Application No. 00-160-06 to Allow Truck Access from Smalley Avenue – The Property is Located at 730 and 750 A Street, North Side, In a CC-C (Central City-Commercial) Subdistrict

Associate Planner Camire made the report. She reminded Commissioners of the history of Larry's Tires relative to the Redevelopment District and Larry's Tires move into the former auto sales building on A Street. She noted the businesses near-by. At the time of the original use permit, a neighbor asked for no vehicle access to and from Smalley Avenue. Therefore the Smalley Avenue entrance is restricted to emergency vehicles. The applicant is asking for a change in the Use Permit conditions to allow customer vehicles and delivery vans to access and exit from the rear of the property onto Smalley. Delivery trucks would only use the A Street access. She noted that one of the reasons for the request is that customer vehicles park in the drive-way blocking delivery truck and van access resulting in damage to the buildings. In addition, circulation is hampered by both customer vehicles and delivery trucks. A partial solution suggested by staff is to modify the buildings by removing the canopies. Staff recommends denial because additional traffic will negatively impact the adjacent residential neighborhood and it would be difficult to enforce the prohibition of delivery truck access via Smalley. They also believe that the managers of the two sites could agree on coordinated scheduled deliveries.

The public hearing opened at 8:15 p.m.

Donald Boehm, property owner, commented that if the back gate were to be opened, exit and entrance on Smalley would enhance their business. They would agree to restrict truck access from Smalley. He said they were going to take down the canopy and raise the gutters on the buildings. He agreed that they could restrict the delivery trucks coming into the back. He noted that Larry's Tire Express averages 20 cars coming into the parking lot a day. He said he could install signage directing trucks to enter and exit on A Street. He also agreed to a "No Parking" sign on the side of building. He asked to have the rear gate opened for customer convenience.

Commissioner Williams commented that residents wanted to minimize traffic on Smalley. He

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commented that the business owners could have done more by posting "No Parking" signs. He then added that allowing customers to exit on Smalley would not solve the problem. This solution would just create another problem for the residents on Smalley.

Mr. Boehm commented that he did not think there were too many residents who would complain, since the two closest neighbors, Mr. Varney and Mr. Baker, both have access to Smalley. He added that there should not be many more trucks.

Ray Baker, a neighboring property and business owner, said he does not have a problem with cars and small delivery vans entering and exiting the rear of the property onto Smalley, but he objects to 18-wheeler trucks. He noted that with 45 residential units on both sides of Smalley, the impacts of big trucks are a concern. He agreed that granting Larry's Tires customer access to the rear would be allowing them the same privilege of other property owners on the street.

The public hearing closed at 8:29 p.m.

Commissioner Zermeño asked about the process for opening the gate and enforcement of the provision of allowing only autos through the back gates. Associate Planner Camire described the use of the back gate for deliveries by a neighbor. He was told there would need to be enforcement through the Police Department. There would have to be signage prohibiting vans and trucks.

Acting Principal Planner Patenaude commented that if the Commission is inclined to approve the request, the item would have to come back for approval of conditions and findings. If used for trucks, it would have to come back again for modification of use permit.

Commissioner Halliday **moved**, seconded by Commissioner Sacks, to approve the request for cars only, asking staff to come back with findings and conditions that include posting of signage prohibiting truck access. She also asked for another condition restricting automobiles to a right-turn only onto Smalley. She added that although she has sympathy for both the businesses and the neighborhood, they need to compromise to accommodate these sorts of requests.

Chairperson Caveglia stated that this is not a good idea and he would vote against the motion. He noted that there is a lot of traffic and concern about Smalley Avenue. He felt that once the gate is opened, it would be difficult to enforce restrictions.

Commissioner Sacks said she agreed that this is a reasonable thing to do. Although a right-turn only may not be enforceable, it is a good idea. She suggested a "No Trucks" sign on Mission and Smalley.

Commissioner Williams said he disagreed with the motion because this would result in more traffic on Smalley Avenue, which the Commission was against.

Commissioner Thnay said he appreciated the applicant's remodeling and beautifying the area. He commented that the applicant had not demonstrated that it is a hardship not to have access to the property in the rear. Once access is allowed on a residential street, it is difficult to enforce any restrictions. There will be a cumulative effect. In the residential area, trucks will push the threshold. He appreciated the proposal for posting signs on the property. He was more concerned about the neighborhood.

Commissioner Zermeño commented that, a year ago, the Commission was asked to protect the neighborhood.

Commissioner Bogue noted that it would be an improvement to add signage to eliminate customer parking by the building. He commented that the gate could be used by anyone. There would be no enforcement.

The measure lost by the following vote:

AYES:	COMMISSIONERS Halliday, Sacks
NOES:	COMMISSIONERS Bogue, Thnay, Williams, Zermeño CHAIRPERSON Caveglia
ABSENT:	None
ABSTAIN:	None

A motion to support the staff recommendation to deny the appeal was made by Commissioner Williams, seconded by Commissioner Zermeño and passed by the following vote:

AYES:	COMMISSIONERS Bogue, Thnay, Williams, Zermeño CHAIRPERSON Caveglia
NOES:	COMMISSIONER Halliday, Sacks
ABSENT:	None
ABSTAIN:	None

4. Draft Environmental Assessment/Environmental Impact Report (Draft EA/EIR) for the Airport Master Plan

Brent Shiner, Airport Manager, discussed the Master Plan of the Airport. He noted that the firm of Coffman and Associates were instructed to prepare a joint Environmental Assessment/Environmental Impact Report to comply with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). He commented that the Commission would make no recommendation since this presentation was merely informational. He added that the public hearing period will close on July 23.

Jim Harris, Coffman and Associates, described the 20-year plan which was requested by the FAA to have a current plan on file. The last Master Plan was developed in 1984. He described the Plan as demand-based, and developed to meet the needs of the flying community. He noted that

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they did not foresee a change in the role of the airport. He described some of the projected major improvements over the next 20-year period which will include improvements to the Airport's runways and taxiways, apron areas, navigation aids, and service roads, as well as construction of new general aviation facilities and a noise wall. Other improvements include paving perimeter service roads, visual guidance lights for the pilots, separate helicopter areas, and additional hangars for executive and corporate aircraft.

Commissioner Halliday asked for further information on how the airport property, presently leased to the National Guard, would be used after their lease expires.

Mr. Harris said they looked at how that property would be utilized since the points of access are closer to the airport. Therefore, they have designated a larger area as aviation related with potential commercial development.

Commissioner Halliday then asked about the non-aviation related uses and what types these would include. She noted that Home Depot doesn't seem to tie in with Airport. She described restaurant and hotel uses as having tie-ins to the airport.

Airport Manager Shiner responded that they consider SkyWest Drive the demarcation line between aviation related and non-aviation activities. He emphasised that all of the proposals would be demand driven.

Commissioner Zermeno asked about the corner of Hesperian and A Street. He was told this is a small area and not one that is practical for many uses.

Dan Wormhoundt, Director of Environmental Science Associates discussed the DEIR and noted that this is a joint document to satisfy CEQA and the National NEPA, which evaluates short-term and long-term projects. As a program EIR, it allows for additional environmental review later with specific projects. After further review, later projects may result in impacts not realized, and additional CEQA documents would then need to be prepared. He commented that this document is different because of the FAA involvement, so it uses the FAA Order of Impact.

Commissioner Halliday asked specifically about the discussion of hospitals, p. 4-9 and wondered why they were included in the affected environment since there is a possibility of both hospitals closing and may not be there in the future. She was told that a CEQA requirement asks about growth and employment in the area.

The public hearing opened at 9:21 p.m.

Ron Barklow commented that the report is mistaken about the wildlife on Sulphur Creek. He discussed the burrowing owl and described and showed their nesting boxes at the airport. He wondered who blocked the nests for the owls, and why no further improvements were being considered for their habitat.

Howard Beckman, San Lorenzo, expressed a strong sense of futility. He described an Alameda County Airport Land Use Commission condition which required that the noise contours be submitted to the Commission. He noted that this EIR was to incorporate a traffic study over the lawsuit of Home Depot. He described his five major concerns: 1) the history of development of the airport which proceeded with no consideration of San Lorenzo; 2) the use of noise contours; 3) the increase in jet and helicopter traffic; 4), the funding which comes from Home Depot lease and other leases; and 5) an economics development study.

The public hearing was closed at 9:34 p.m.

Commissioner Halliday suggested that the report was too lengthy and complex for only one week to review. She suggested that it would have been helpful to have a work session. She would have appreciated more time. She expressed concern about the kind of development that is non-aviation related and how it would fit into the general airport use. She noted that this is also a Gateway and the City wants to present a good face to those people who are arriving through the airport. She noted that the City of Hayward should be sensitive to the housing around the airport, although there are very few significant impacts, and those can be mitigated. She commented that future improvements would create extra impacts. Just saying it is not that significant is not saying enough. Overall, more thought should be given by the City to these impacts. She suggested continued monitoring and more complete environmental studies.

Commissioner Bogue said he agreed that new businesses should be complimentary to the airport and more aware of the aircraft. He noted that the airport is surrounded with uses by the trucks.

Commissioner Sacks said she did not know all that much about who uses the airport. It seems as though there is no identification of where you are or the facilities that are in place at the airport. She asked about the services for people there. She then asked about the public use terminal building on the north side which it is implied will be used for administration.

Airport Manager Shiner said that at present we do not have services for the public. This proposal would include those, and in the future allow the administrative facilities to move out of the tower and leave it to the FAA.

Commissioner Williams commented that 2020 is still a long way off. This presentation is merely a framework for future proposals. This is the guide for direction.

Airport Manager Shiner agreed that this is a menu to help guide the decisions as to where to locate things at the airport.

Commissioner Thnay said he thought it was great to see a program anticipating problems and issues. He added his comment on this as a gateway, and suggested landscaping and improvements along Hesperian.

Airport Manager Shiner indicated that this is what they are looking at now.

Commissioner Bogue commented that landscaping should be part of the Master Plan. He noted



that the corner of A and Winton is not too small for landscaping and a monument sign. Appearance should be part of every project that is done, with the overall plan to tie everything in together.

5. Cannery Area Design Plan and Related Amendments to the General Plan and Zoning Ordinance

Senior Planner Calame described the Cannery Area, noting in particular the various sub-areas and the plans. He asked for the following recommendations to the City Council: certification of the Final Environmental Impact Report; Adoption of the General Plan Amendment; Adoption of the Special Design (SD-4) District which is an over-lay text; adoption of the Zone changes; Adoption of the Cannery Area Design Plan itself as design guidelines for the area; and then adoption of the Mitigation Monitoring and Reporting Program which reflects the mitigation measures identified in the Environmental Impact Report. He noted Mitigation Measure 4.6-4, and suggested that staff would propose that in front of the Mitigation Measure you add the words, "If necessary..."

Commissioner Zermeño asked how strong the possibility for a community center would be and whether any homes would be removed.

Director of Community and Economic Development Ehrenthal described the existing school site that would be available for the community center and noted that some current homes where the proposed school site is would have to be acquired, as well as some in the Cannery Court area.

Commissioner Halliday asked for clarification as to which regulations would take precedence, the zoning regulations or the Plan. She was told that according to the development densities portion of the special design overlay, development densities shall be consistent with the applicable General Plan designations and shall further conform to the densities specified in the Design Plan.

Chairperson Caveglia than opened the public hearing at 10:15 p.m.

Brian Millar, representing ConAgra Foods, said his firm looked at environmental issues. He said the response to comments in the EIR did not adequately respond to their concerns. He noted that the project description does not describe existing conditions. He commented that it clearly creates a challenge that does not meet the intent of CEQA. There is a significant displacement question. He felt there should be an opportunity to come back with further information.

Jim Doyle, also representing ConAgra Foods, largest landowner in the area, noted that the concerns cited do not address the concerns of the landowners. He commented on the Live-Work designation on ConAgra property, and that there is no discussion of why it is there and whether this is the best use of that land. He said they also question the way the green space is laid out. He suggested that other layouts for streets and phasing and financing be considered since owners

in the area have very little information. He stated that none of the land owners have been asked to sit at the table to decide on the Master Developer.

Mike Oliver, also representing ConAgra, asked about owner participation in the process. He said they were concerned that there is no financial plan, and also concerned about public improvements. He noted that Con-Agra should have an active role in this activity. He said their concern was regarding the type of land-use proposed for this area, since it is untried. The unknown factor is what the marketplace in this area would tolerate. He noted that ConAgra agrees that something is going to be done.

In response to Commissioner Sacks question regarding how they have not been included, Mr. Oliver responded that they had no input in the request for a master developer. He noted that there is a complete process outlined in Redevelopment Law.

Carl Costa, Hayward, said he is excited about this proposal. He described several areas of concern with regard to land-use and open space. He noted that Centennial Park was deeded only for recreation. He suggested that it might be nice if those who lose their homes were able to bid on the new housing in the area.

Senior Planner Calame indicated that there might be a possibility for the residents who are displaced to buy into the new housing.

Yvonne Darden owns a townhome in the County which coincides with Hathaway. She cited their main problem is with unevenness of the area. She said she was requesting the City to do something with the unsightliness of the buildings on Hathaway. She commented that she was in favor of this development for subarea 1.

Anne Terrasas, a homeowner living adjacent to Centennial Park, was displeased that as 30-year residents, she and her neighbors were not included in the meetings. She suggested that invitations to meetings be sent to all of the residents on the west as well as the eastside of the railroad tracks since they will be equally affected by the development. She also asked that bilingual information be made available for the Spanish-speaking residents. She thanked City Clerk Reyes for her efforts in making a Spanish notice available for this meeting. She urged them to remove Centennial Park from the plan.

Senior Planner Calame said that staff has been building up a mailing list from all of the public meetings. He commented that proposed zoning and land use changes do not reflect housing as part of the park.

Barbara Heringer-Swarr, asked whether this is another 45-year Redevelopment Project. She commented that the amount of land in the redevelopment district would require a great many government services. She added that this plan is much nicer than previous proposals since it doesn't take many homes away.

Chairperson Caveglia commented that with a Redevelopment District in place there are various ways to fund services than would normally be available.

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Art Torrez, Santa Clara Street and a longtime resident of Hayward, stated that this issue is important. He wondered about the proposal since, in his opinion, the City of Hayward is literally falling apart. We are way behind Union City. The information is difficult to understand. He noted that he is opposed to what is being suggested at this point.

Judy Ybarra, Santa Clara Street, said she did not receive the notice of the meeting and commented that trucks are a great concern in their area.

The public hearing was closed at 10:57 p.m.

Commissioner Thnay commented on the zoning changes specifically for housing.

Commissioner Sacks asked about the Park District notation, "Absent community support..." She also commented on the Live-Work not presently incorporated into the ordinance. She was told that the Live/Work ordinance would be in place in the near future. She then **moved**, seconded by Commissioner Williams, to recommend to the City Council, subject to the attached findings, the six staff recommendations.

Commissioner Williams asked whether staff had responded to the comments in the letter from Pat McGill. He was told that those concerns were not directly germane to the environmental report.

Commissioner Halliday said she was basically in support of the motion. She also expressed concern that people did not feel they were informed about the meetings. She offered an amendment to ask Council to redesignate live/work as high density residential with limits and to consider lower density levels, since so much of this land is high density residential. This was taken as a substitute motion which included all of the original motion and was seconded by Commissioner Bogue.

Commissioner Zermeno said he was concerned with non-notification in the area. He thought staff should be more careful of the system used. He emphasized that the neighbors do not want any homes in Centennial Park.

Commissioner Thnay suggested that staff send to ConAgra further information on live-work success stories. He said his two main concerns are with the rezoning of the area for high density; and proposing increased Amtrak use but not proposing increased parking for the station or a shuttle between BART and Amtrak. He said he believed it was a very good project.

Commissioner Williams commented that with all the changes, there will be satisfied and non-satisfied people. Staff has made every effort to include everyone. This plan is more of a concept from which to review. He agreed that this is a good idea for the future of the City of Hayward.

Commissioner Bogue asked to have included the staff recommendation on the Mitigation

Measure 4.6-4, adding, "If necessary..."

Commissioner Sacks apologized to those people who had not been noticed for the meetings, although she encouraged everyone to look carefully for notices. She also thanked everyone for coming.

The **substitute motion failed** by the following vote:

AYES:	COMMISSIONERS Bogue, Halliday
NOES:	COMMISSIONER Sacks, Williams, Zermeno
	CHAIRPERSON Caveglia
ABSENT:	None
ABSTAIN:	Thnay

The **original motion passed 6:1**, with Commissioner Bogue voting "No".

ADDITIONAL MATTERS

6. Oral Report on Planning and Zoning Matters

No reports were made.

7. Commissioners' Announcements, Referrals

No announcements were made.

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 11:35 p.m.

APPROVED:

Ed Bogue, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary